

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: :
: Trademark Attorney
App. Ser. No. 88/129202 : Kevin G. Crennan
: :
Applicant: American City Business Journal, Inc. : Law Office 113
: :
Mark: HEMMINGS GUIDE :
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DISCLAIMER

No claim is made to the exclusive right to use “GUIDE” apart from the mark as shown.

RECITATION OF GOODS/SERVICES

Applicant requests that the following language be substituted for the recitation of goods and services:

- Class 16: Publications, namely, printed magazines featuring information about cars, motorcycles, aviation, marine vessels, trucks, 4x4 trucks and real estate.
- Class 41: Providing information in the fields of motor vehicle cars, motorcycles, aviation, marine vessels, trucks, 4x4 trucks, classic and antique cars, automotive parts and accessories, automotive events in the nature of automobile races, automobile auctions, automobile exhibits and trade shows via digital networks; publications, namely, online magazines featuring information about cars, motorcycles, aviation, marine vessels, trucks, 4x4 trucks and real estate

REMARKS

In response to the Office Action mailed December 4, 2018, Applicant submits the following request for the withdrawal of the 2(e)(4) refusal of HEMMINGS GUIDE.

The “HEMMINGS” mark has become distinctive of the services as evidenced by the ownership of active U.S. Registration Nos. 4450202, 4446539, 4446537, 4446538, 3159611, 3163096, 2903767, 5204364, 5199514, 5204362,

5199513, 5199511, 5199510 and 1059232 on the Principal Register for the same mark for sufficiently similar goods and services. Much like the proposed services, all of the Applicant's existing "HEMMINGS" registrations focus on automobiles, and the restoration of antique and luxury cars. Most of these registrations have become incontestable.

Beyond the registrations, the "HEMMINGS" mark has become distinctive of the services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate, for at least five years immediately before the date of this statement. Since 1954, Hemmings has been an established and recognizable brand within the automotive industry. Applicant's famous magazine "Hemmings Motor News" was named after its founder Ernest Hemmings who lived from 1926 to 2015.

It should also be noted that the Applicant currently operates a service station in Bennington, Vermont. Please see the attached photographs.

In view of the above-identified arguments, Applicant requests that the HEMMING'S portion of the mark be granted 2(f) designation based on earlier registrations, over five years use in commerce, and evidence of acquired distinctiveness. Such favorable action is most earnestly solicited. In view of these arguments and amendments, Applicant contends that the instant application is now in condition to be passed to publication.

Respectfully submitted,
ADVANCE
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(Attorneys for Applicant)

By: /s/ Natasa Colovic

Natasa Colovic
Dated: May 21, 2019
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